

525 Market Street Suite 3600 San Francisco, CA 94105-2708 www.howrey.com

Teresa M. Corbin
Partner
T 415.848.4944
F 415.848.4999
corbint@howrey.com

August 29, 2005

FILE 06816.0060.000000

## **VIA ELECTRONIC FILING**

Honorable Edward M. Chen United States Magistrate Judge U.S. District Court 450 Golden Gate Avenue San Francisco, CA 94102

Re: Ricoh v. Aeroflex, et al. Case No. CV-03-4669 MJJ (EMC)

Synopsys v. Ricoh, Case No. CV-03-2289 MJJ (EMC)

Dear Judge Chen:

We write in response to Ricoh's letters to your honor of August 26 and 29 and to set the record straight with respect to the matters addressed therein, particularly with respect to Ricoh's allegations that Defendants actions have delayed the process for bringing the discovery issues before the Court that are the subject of the Court's August 16, 2005 Order. The letter brief is addressed to a multitude of issues having to do with document requests, interrogatories and depositions. In response to your honor's Order, we have used our best efforts to respond to Plaintiff's arguments and have done so on an extremely expedited basis. We received Plaintiff's letter at 9:42 a.m. PDT on Thursday and were able to provide our response in under 36 hours at 8:25 p.m. PDT on Friday.

This morning, we received a substantially revised letter from Plaintiff, which, among other things, for the first time included case law regarding discovery of patent applications and additional case law and argument regarding damages. We received this draft at 10:33 a.m. PDT. We forwarded our response approximately five hours later at 3:56 p.m. PDT. Despite the speed with which we have provided our responses, Plaintiff's counsel persists in its practice of attempting to cast Synopsys, the Customer Defendants and their counsel in a bad light at every turn regardless of the efforts made to provide discovery, to meet and confer in good faith, or to respond to their letter brief on an extremely expedited schedule.

AMSTERDAM BRUSSELS CHICAGO HOUSTON IRVINE LONDON LOS ANGELES MENLO PARK SAN FRANCISCO WASHINGTON, DC

Honorable Edward M. Chen August 29, 2005 Page 2

Synopsys and the Customer Defendants respectfully request a hearing on the issues addressed in the Joint Letter that will be filed tomorrow.

Respectfully submitted,

Kenneth Brothers, Esq. cc: